

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the present amendments and following discussion is respectfully requested.

Claims 1-13 are presently active. Claims 1, 3, 4 and 5-10 have been presently amended. Dependent Claims 11-13 have been added. No new matter was added, as the amended independent claims have been rewritten to include allowable subject matter, and the dependent claims recite subject matter found in the original claims.

In the outstanding Office Action, Claims 1-3 and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moku et al. (Japanese Publication No. 2003-059948-Translation) in view of Applicant's Figure 3. Claims 4, 5, 9 and 10 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Firstly, Applicant acknowledges with appreciation the indication of allowable subject matter in Claims 4, 5, 9 and 10.

Secondly, regarding the objection to Figure 3, it is respectfully submitted that the caption added in the previously filed response "Related Art" is appropriate, as there is no indication in the specification that this drawing contains information that would qualify under 35 U.S.C. 102 as prior art. Thus, it is respectfully submitted that drawing is related art, as noted in the specification. Hence, the drawing objection is moot in view of this consideration.

Thirdly, in order to expedite allowance of the present case, Claim 1 has been amended to include the subject matter of Claim 2 and the subject matter of original Claim 4 (which depended from Claim 2). Claim 2 was canceled and the original subject matter in Claim 4 was amended from Claim 4. Thus, Claim 1 contains the identified allowable subject matter of original Claims 2 and 4, and is in a condition for allowance.

Similarly, Claim 5 has been rewritten in independent form to include the subject matter of original Claim 2 and the subject matter of Claim 5 (which depended from Claim 2). Thus, Claim 5 contains the identified allowable subject matter of original Claims 2 and 5, and is in a condition for allowance.

Similarly, Claim 7 has been rewritten in independent form to include the subject matter of Claim 4. The subject matter of original Claim 2 was originally in and remains in Claim 7. Thus, Claim 7 contains the identified allowable subject matter of original Claims 2 and 4, and is in a condition for allowance.

Finally, Claim 10 has been rewritten in independent form to include the subject matter of original Claim 1 and the subject matter of Claim 6 (which Claim 10 depended from). Thus, Claim 10 contains allowable subject matter, and is in a condition for allowance.

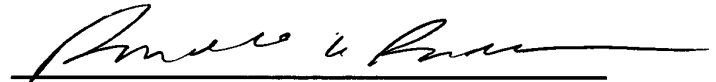
Accordingly, independent Claims 1, 5, 7, and 10 (and the claims dependent therefrom) contain allowable subject matter, are in a condition for allowance, and define over the art of record.

This amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, presenting rejected claims in better form for consideration on appeal, or presenting amendments touching on the merits upon a showing of good and sufficient reasons why the amendment is necessary and was not presented earlier. The present amendment rewrites claims in independent form or amends claims to include the identified allowable subject matter, thereby placing all of the claims presented here in a condition for allowance. No new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Ronald A. Rudder, Ph.D.
Registration No. 45,618